



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Kevin R. Hayden, Secretary

February 21, 2008

TO: Assembly Committee on Children and Family Law
FROM: Katie Plona, DHFS legislative liaison
RE: Assembly Bill 769

Good morning. I'm Katie Plona, legislative liaison for the Department of Health and Family Services. With me today is Cathy Connolly, policy consultant in our Division of Children and Family Services. Representative Owens and committee members, thank you for the opportunity to testify in favor of Assembly Bill 769. Thank you also to Representative Jeskewitz and Senator Lassa for authoring this bill at the Department's request.

AB 769 accomplishes three things:

- Act 293 from last session, which came out of a Legislative Council study committee that Rep. Jeskewitz chaired, appears to have unintentionally included a provision about payment of pre-adoption preparation for first-time adoptive parents. AB 769 amends current law to create a category of adoptions that covers only children adopted through the public child welfare system. This allows the Department to clarify that it is responsible for paying for the costs of pre-adoption preparation for first-time adoptive parents who adopt children from the public child welfare system. It also allows us to establish standards that apply solely to foster parents adopting children in the public child welfare system.
- It amends current law to allow legal risk adoptions in Wisconsin. Legal risk adoptions refer to the practice of placing children with the proposed adoptive parents before the termination of the birth parents' rights. This means that the birth parents could change their minds and ask for the return of their child from the proposed adoptive parents.
- The bill creates a structure around legal risk adoptions that: a) ensures the safety of children; b) supports the Legislative intent that the rights of birth parents must be protected prior to termination of their parental rights; and c) makes it more likely that prospective adoptive parents understand the process and risks involved.
 - The bill provides:
 - Legal risk adoptive placements in Wisconsin can only be made into licensed foster homes.
 - Legal risk adoptive placements outside the state must meet the requirements of the Interstate Compact for the Placement of Children.
 - A Legal Risk Agreement between the agency and adoptive parent(s) is required before any such placement can be made. The agreement must identify which party is financially responsible for the child prior to the adoption's finalization.
 - No participant may engage in behavior that discourages or coerces a birth parent from exercising his or her right to the return of his or her child or to reasonable visitation with the child until the termination of parental rights is complete.

- The agreement cannot contain a provision that the birth parent is responsible for the costs of returning the child to the birth parent or for costs the prospective adoptive parents incur while the child was in their care.
- Finally, the bill amends the ICPC in two instances:
 - It clarifies that the ICPC does not apply to children being placed by relatives with relatives across state lines as long as the relative placing the child has the full legal right to plan for the child and the court has not diminished that right.
 - It removes a change we believe was unintentionally included in Act 293 from last session. Currently, the law states, "Notwithstanding s. 48.988, when the proposed adoptive parent or parents of a child reside ..." The Department would like the phrase "notwithstanding s. 48.988," to be removed. As currently drafted, the law arguably allows certain children to be placed out of state with proposed adoptive parents without complying with the ICPC. However, since Wisconsin is a member of the Compact, state law cannot override the ICPC to allow individuals to ignore its requirements.

Thank you again for the opportunity to testify in favor of AB 769. Cathy and I are available to answer any questions you may have about the bill.